

A. A. asks the Utah Labor Commission to review Administrative Law Judge Eblen's dismissal of Ms. A.'s claim for additional benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

BACKGROUND AND ISSUE PRESENTED

Ms. A. has a long history of neck problems. On November 30, 1999, while working for Granite School District (Granite), she was involved in an accident that aggravated these neck problems. On November 9, 2000, she filed an Application For Hearing with the Labor Commission to compel Granite to pay medical expenses and permanent partial disability compensation on account of the work accident.

Judge Eblen referred the medical aspects of Ms. A.'s claim to an impartial medical panel. While the panel concluded that the work accident had temporarily strained Ms. A.'s shoulder and trapezius area, the panel determined that such strain had reached stability by December 31, 1999. The panel found no medical causal connection between the accident and Ms. A.'s subsequent neck surgery. The panel also concluded that no additional medical treatment was necessary to treat the work-related injury and that Ms. A. had suffered no permanent impairment from the injury.

Judge Eblen forwarded copies of the medical panel report to the parties and received no objection to the report. Judge Eblen adopted the report and, on that basis, denied Ms. A.'s claim for additional benefits. Ms. A. then requested Commission review of Judge Eblen's decision. Specifically, Ms. A. contends Judge Eblen should have asked the panel whether Ms. A.'s accident "contributed to" her neck problems, rather than asking whether the accident was the medical "cause" of the injury.

FINDINGS OF FACT

The Commission affirms and adopts Judge Eblen's findings of fact.

DISCUSSION AND CONCLUSION OF LAW

Ms. A. challenges the form of the questions Judge Eblen asked the medical panel regarding the relationship between Ms. A.'s work accident of November 30, 1999, and the neck problems which form the basis for her current claim. Such objections should have been raised when the questions were first asked, or in any event, within 15 days after the medical panel issued its report. But more importantly, the Commission has reviewed the challenged questions and the ensuing responses and is satisfied that the medical panel understood and addressed the essential medical issues of Ms. A.'s claim

In light of the foregoing, the Commission finds that the preponderance of medical evidence

supports Judge Eblen's denial of additional benefits to Ms. A..

ORDER

The Commission affirms Judge Eblen's decision and denies Ms. A.'s motion for review. It is so ordered.

Dated this 25th day of February, 2004.

R. Lee Ellertson, Commissioner